

From: [David Choate](#)
To: [James Turner/R6/USEPA/US@EPA](#)
cc: [Jamie Bradsher/R6/USEPA/US@EPA](#); [Mark Peycke/R6/USEPA/US@EPA](#); [Jim Clark](#); ['Nevala, David'](#); [Scoggins, Bryan](#)
Subject: RE: Norphlet Chemical, Inc. and Tulstar
Date: 04/30/2009 11:19 AM

Jim,

I forwarded your email to AEDC, and the documents which we have provided to you are all that AEDC has with regard to Tulstar. These documents were provided to AEDC by Norphlet Chemical. AEDC was not a party to any of the negotiations for tolling arrangements between Tulstar and Norphlet; rather, Norphlet provided AEDC with copies of agreements that Norphlet and Tulstar had executed between themselves (these are the documents which we have previously provided to you). For this reason, AEDC does not have first hand knowledge of the involvement of Tulstar Products, Inc. and/or its officers in these matters. AEDC certainly wishes to assist EPA in any way it can; however, at this time, you have all that we have.

In addition, to be clear, neither we nor AEDC has seen an agreement between Tulstar and Norphlet from February 2005. If there might be any other way that I can help, please do not hesitate to contact me. Thank you.

- David

From: Turner.James@epamail.epa.gov [mailto:Turner.James@epamail.epa.gov]
Sent: Tuesday, April 28, 2009 4:12 PM
To: David Choate
Cc: Bradsher.Jamie@epamail.epa.gov; Peycke.Mark@epamail.epa.gov
Subject: Re: Norphlet Chemical, Inc. and Tulstar

David, in the legal memo of Robert Dougherty for Tulstar in reply to your Aceto analysis memo, Dougherty mentions a contract dated February 24, 2005, not 2006. This is over 9 months prior to the contract and security agreement of which we have a copy and which purports to involve the same subject matter. I have not seen such a contract with that date, and apparently neither you, nor the AEDC folks, have seen one either. Informally, I would appreciate your (or AEDC) furnishing us with a clean copy of the tolling agreement and security agreement, along with additional documentary or potentially testimonial evidence of which you or AEDC may be aware that illuminates the negotiations and transactions involving the tolling agreement contract to produce HFC-134a at the NCI Facility, especially information that tends to show that Tulstar Products, Inc. (and its CEO Mark Nagle) were actually the party involved in these

matters.

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Norphlet Chemical, Inc. and Tulstar

David Choate to: James Turner 04/24/2009 10:46 AM

Cc: Jim Clark, "'Nevala, David'", "Scoggins, Bryan"

Jim,

Following our telephone conversation yesterday, I contacted my clients at the Arkansas Economic Development Commission regarding the February 2006 agreement referenced by Tulstar's attorneys. AEDC is not aware of a February 2006 agreement; however, they were able to locate three other documents which Tulstar executed in relation to the tolling arrangement. These documents are attached to this email for your review. If I can be of any assistance to you in the future, please let me know. Thank you, and have a good weekend.

- David

David E. Choate

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Thank you.

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*****[attachment "Letter of Intent 9-17-04 and Amendment to Contract 12-13-05.pdf" deleted by James Turner/R6/USEPA/US] [attachment "Take or Pay Contract - Garrison and Tulstar - 1-20-05.pdf" deleted by James Turner/R6/USEPA/US]